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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

DEB HAALAND, in her official capacity
as Secretary of the Interior, and MARTHA
WILLIAMS, in her official capacity as
Director of the U.S. Fish & Wildlife
Service,

Defendants.

No. 1:22-cv-00335-ADA-BAK

JOINT STATUS REPORT

Pursuant to this Court's August 31, 2022 Order, ECF No. 29, Plaintiff Center for Biological Diversity and Defendants Deb Haaland, Secretary of the Interior, and Martha Williams, Director of the U.S. Fish and Wildlife Service, (collectively, "the Parties") provide the following joint status report. The Parties report to the Court as follows:

1. Summary of the procedural history of the case:

a. On March 23, 2022, Plaintiff filed a Complaint against Defendants. ECF No. 1.

- 1 b. On May 26, 2022, the Parties filed a Joint Motion for a 30-Day Stay of
2 Proceedings so that they could confer in regard to a possible negotiated
3 resolution of the matter. ECF No. 11.
- 4 c. On June 27, 2022, the Parties submitted a Joint Status Report, ECF No. 13,
5 informing the Court that they negotiated in good faith but were unable to agree
6 to a settlement. Defendants filed an Answer to Plaintiff's Complaint on that
7 same date, ECF No. 12.
- 8 d. On June 30, 2022, Plaintiff filed a Motion for Summary Judgment. ECF No. 15.
- 9 e. On July 14, 2022, Defendants filed a Cross-Motion for Summary Judgment.
10 ECF Nos. 20-22.¹
- 11 f. Plaintiff filed a Reply on July 25, 2022, ECF No. 26, and Defendants filed a
12 Reply on August 4, 2022. ECF No. 27.

13 **2. Motions presently before the Court:**

- 14 a. Plaintiff's Motion for Summary Judgment, ECF No. 15, and Defendants'
15 Amended Cross-Motion for Summary Judgment, ECF No. 24, are still at issue.
- 16 i. As stated in the Parties' Joint Scheduling Report of July 7, 2022, ECF
17 No. 18, pursuant to the Court's Minute Order dated July 1, 2022, Plaintiff
18 respectfully requests that this Court hear oral argument in this case, but
19 the Parties defer to the Court's judgment on whether oral argument will
20 be necessary.

21 **3. Summary of the Parties' settlement efforts:**

- 22 a. Counsel for the Parties have engaged in settlement discussions consisting of
23 various emails and three phone calls, including on April 21, 2022, May 18, 2022,
24 and June 23, 2022.

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28 ¹ Defendants filed an Amended Motion for Summary Judgment on July 18, 2022, noticing the
 matter for a hearing on September 6, 2022. *See* ECF Nos. 23-24.

- b. Additionally, on May 26, 2022, the Parties filed a Joint Motion for a 30-Day Stay of Proceedings to provide additional time for counsel to negotiate a potential settlement. ECF No. 11.
- c. Counsel for both parties have negotiated in good faith to resolve the dispute before this Court but have been unable to agree to a settlement.
- d. Counsel have exhausted settlement efforts and agree this case should be decided by this Court on cross-motions for summary judgment.

4. Future Settlement or Status Conferences:

- a. The Parties agree that they would not benefit from a mandatory settlement conference before a Magistrate Judge or a status conference with Judge de Alba at this time.

Dated: September 8, 2022

Respectfully submitted,

/s/Margaret A. Coulter

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Eastern District of California by using the CM/ECF system, which will serve a copy of the same on the counsel of record.

/s/ Chris Carrara